

LAQUER, URBAN, CLIFFORD & HODGE, LLP
MICHAEL A. URBAN, Nevada State Bar No. 3875
4270 S. Decatur Blvd., Suite A-9
Las Vegas, Nevada 89103
Telephone: (702) 968-8087
Facsimile: (702) 968-8088
Electronic Mail: urban@luch.com

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRUSTEES OF THE OPERATING
ENGINEERS PENSION TRUST; TRUSTEES
OF THE OPERATING ENGINEERS
HEALTH AND WELFARE FUND;
TRUSTEES OF THE OPERATING
ENGINEERS JOURNEYMAN AND
APPRENTICE TRAINING TRUST; and
TRUSTEES OF THE OPERATING
ENGINEERS VACATION-HOLIDAY
SAVINGS TRUST,

Plaintiffs,

vs.

REPUBLIC CRANE SERVICE, LLC, a
Nevada limited-liability company; and
RAYMOND P. BELLAMY, individually,

Defendants.

CASE NO.: 2:09-CV-1775-KJD-LRL

**STIPULATION FOR ENTRY OF
JUDGMENT AND ORDER THEREON**

This Stipulation is entered into by and between Plaintiffs and Republic Crane Service, LLC, in order to settle and conclude the above-referenced litigation between the parties relating to the payment of fringe benefit contributions and damages to Plaintiffs by Republic Crane Service, LLC.

Accordingly, Plaintiffs, TRUSTEES OF THE OPERATING ENGINEERS PENSION TRUST; TRUSTEES OF THE OPERATING ENGINEERS HEALTH AND WELFARE FUND; TRUSTEES OF THE OPERATING ENGINEERS JOURNEYMAN AND APPRENTICE TRAINING TRUST; and TRUSTEES OF THE OPERATING ENGINEERS VACATION-HOLIDAY SAVINGS TRUST

(hereinafter collectively referred to as "Trusts"), and Defendant REPUBLIC CRANE SERVICE, LLC, a Nevada limited-liability company ("Defendant"), through their counsel of record herein:

HEREBY STIPULATE, subject to the approval and Order of the Court, as follows:

1. Defendant currently owes the Trusts the principal amount of **Two Hundred Sixty-Three Thousand One Hundred Ninety-Nine Dollars and Fifty-Nine Cents (\$263,199.59)** with respect to the causes of action plead in the complaint herein. These amounts are for unpaid fringe benefit contributions, liquidated damages and attorney's fees and costs associated with monthly fringe benefit contribution reports submitted to the Trusts by Defendant for the months of April and May 2009, and unpaid audit claims for the time period of January 2007 through December 2008.

2. Judgment shall be entered in favor of the Trusts and against the Defendant Republic Crane Service, LLC, for the principal amount of \$263,199.59. The entire Judgment shall be paid on or before the **March 1, 2010**, unless otherwise agreed. If the full payment is made in a timely manner, the Judgment shall be deemed satisfied in full. Defendant shall be responsible for interest on any of the unpaid portion of the Judgment in the amount of six percent (6%) per annum from March 1, 2010, only if Defendant fail to pay the entire Judgment in full by March 1, 2010.

3. It is understood and agreed by Defendant that the Trusts have not conducted an audit of the payroll and related records of Defendant for time periods after December 31, 2008, and that the Judgment to be entered by the Court shall not preclude the Trusts under equitable estoppel, collateral estoppel, res judicata, accord and satisfaction, or any other grounds or theory, from collecting other amounts which may be due to the Trusts by Defendant pursuant to the terms of its collective bargaining agreement with the International Union of Operating Engineers, Local Union 12 ("Local 12"), and 29 U.S.C. § 1132 (g)(2) based on hours not reported to the Trusts by Defendant after December 31, 2008.

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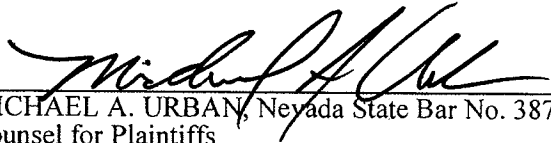
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1 6. Defendant may pay the remaining balance due on any part thereof at any time without
2 penalty.


3 Dated: October 5, 2009

LAQUER, URBAN, CLIFFORD & HODGE LLP

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6 MICHAEL A. URBAN, Nevada State Bar No. 3875
Counsel for Plaintiffs

7 Dated: October 5, 2009

LITTLER MENDELSON, PC

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10 JAMES T. WINKLER, Nevada State Bar No. 6536
Counsel for Defendants

11 **ORDER**

12 IT IS HEREBY ORDERED that the Stipulation of the parties is approved.

13 Let judgment be entered accordingly.

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15 Dated: November 1, 2010

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17 UNITED STATES DISTRICT JUDGE
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